

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

vs.

ARRAIGNMENT ORDER FOR  
DURING PERIOD OF COVID-19  
RELATED GENERAL ORDERS<sup>1</sup>

Robert D. LaTourell, Jr. (1),  
Melinda May LaTourell (2),  
Melissa Ann LaTourell (3),

Defendants.

Criminal No. 20-cr-687 (WMW/LIB)

\* \* \* \* \*

A Hearing was held before the undersigned United States Magistrate Judge on **October 9, 2020**. Defendant Robert D. LaTourell, Jr. was present in Court with his attorney, **Robert D. Richman**, Esq. Defendant Melinda May LaTourell was present in Court with her attorney, **Joseph S. Friedberg**, Esq. Defendant Melissa Ann LaTourell was present in Court with her attorney, **Steven J. Wright**, Esq. The Government was represented by **Emily Polachek**, Assistant United States Attorney.

The Defendants identified themselves by name and birth date; waived the reading of the Indictment; and entered a plea of not guilty.

**Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED that:**

1. The Government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **October 16, 2020**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the Motions Hearing, the Government is requested to make, by **October 16, 2020**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

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<sup>1</sup> <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>; "Coronavirus (COVID-19) Guidance"

2. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **October 23, 2020**. D. Minn. LR 12.1(a)(2).

3. All Motions in the above-entitled case must be filed and served through CM/ECF consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **October 30, 2020**<sup>1</sup>. D. Minn. LR 12.1(c). No courtesy copies of motions and responses need be delivered to the chambers of Magistrate Judge Leo I. Brisbois at the present time.

4. **Counsel must electronically file a letter on or before October 30, 2020 if no Motions will be filed and there is no need for Hearing.**

5. All Responses to Motions must be filed by **November 13, 2020**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to call Witnesses<sup>2</sup> must be filed by **November 13, 2020**. D. Minn. LR. 12.1(c)(3)A).

7. Any Responsive Notice of Intent to Call Witnesses<sup>3</sup> must be filed by **November 16, 2020**.

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<sup>1</sup>“Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

<sup>2</sup>“When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

<sup>3</sup>“If after reviewing a notice under LR 12(c)3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

8. A Motions Hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its Motion, objection or response pleadings. **If Defendant requests a motions hearing, through counsel, they shall file and serve through CM/ECF a written consent to motions being heard via video conference no later than October 30, 2020.**

9. If required, the Motions Hearing will be conducted before United States Magistrate Judge Leo I. Brisbois on **November 20, 2020 at 1:30 p.m.**, provided video conference facilities are available then, and the Defendant has previously consented as per paragraph 8.b., above.<sup>4</sup>

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following Trial and Trial-related dates are:**

- i. All Motions-in-Limine and Proposed Voir Dire and Jury Instructions are due in District Judge Wilhelmina M. Wright's Chambers, at least **at least 21 days** before the Trial date, no later than **November 16, 2020**. Counsel are advised that a Pretrial Notice will issue that will include additional deadlines.
- ii. District Judge Wilhelmina M. Wright will hold a Final Pretrial Conference on **November 30, 2020 at 1:00 p.m.**, in

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<sup>4</sup> If the Defendant does not consent to the motions hearing being conducted via video conference, then a telephone status conference will be conducted at this date and time on the record with the Defendant, Defendant's counsel, the Government's counsel, and the Court on the call for the sole purpose of making a record as to the lack of consent.

Courtroom 7A, Warren E. Burger Federal Building and U.S.  
Courthouse, 316 North Robert St., St. Paul, Minnesota.

iii. This case shall commence Trial on **December 7, 2020 at  
9:00 a.m., before District Judge Wilhelmina M. Wright, in  
Courtroom 7A, Warren E. Burger Federal Building and U.S.  
Courthouse, 316 N. Robert St., St. Paul, Minnesota.**

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related  
dates, will be rescheduled following the ruling on Pretrial Motions. Counsel must contact  
Mona Eckroad, Courtroom Deputy for District Judge Wilhelmina M. Wright, at 651-848-  
1646, to confirm the new Trial date.**

BY THE COURT:

DATED: October 13, 2020

s/Leo I. Brisbois  
Leo I. Brisbois  
U.S. MAGISTRATE JUDGE